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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

29 NATIONAL TPS ALLIANCE, MARIELA
30 GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
31 M.H., CECILIA DANIELA GONZÁLEZ
32 HERRERA, ALBA CECILIA PURICA
33 HERNÁNDEZ, E.R., HENDRINA VIVAS
34 CASTILLO, A.C.A., SHERIKA BLANC, VILES
35 DORSAINVIL, and G.S.,

36 Plaintiffs,

37 vs.

38 KRISTI NOEM, in her official capacity as
39 Secretary of Homeland Security, UNITED
40 STATES DEPARTMENT OF HOMELAND
41 SECURITY, and UNITED STATES OF
42 AMERICA,

43 Defendants.

44 Case No. 3:25-cv-01766-EMC

45 **DECLARATION OF EMILOU MACLEAN
46 IN SUPPORT OF PLAINTIFFS' MOTION
47 FOR ORDER SHORTENING TIME AND
48 SETTING SCHEDULE**

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1 I, Emilou MacLean, declare as follows:

2 1. I am an attorney at law duly licensed and entitled to practice in the State of
 3 California. I am a Senior Staff Attorney at ACLU Foundation of Northern California, counsel of
 4 record in this action for Plaintiffs. I have personal knowledge of the facts set forth in this declaration
 5 and, if called as a witness, I could and would testify competently thereto.

6 2. I file this Declaration in support of Plaintiffs' Administrative Motion for Order
 7 Shortening Time and Setting Schedule Re: Plaintiffs' Motion to Preserve Status and Rights Under
 8 Section 705 ("Motion for Order Shortening Time").

9 3. This case challenges, *inter alia*, Defendants' decisions to "vacate" the January 17,
 10 2025 extension of Temporary Protected Status ("TPS") for Venezuela and subsequently terminate
 11 TPS for nearly 350,000 Venezuelan TPS holders who first qualified for TPS protection under the
 12 2023 designation. This Court granted Plaintiffs' motion to postpone both decisions on March 31,
 13 2025. Defendants moved to stay that order. After this Court and the Ninth Circuit denied
 14 Defendants' motion, the Supreme Court granted a stay in a two-paragraph ruling issued on May 19,
 15 2025. *See Mot. to Preserve, Ex. A (Dkt. 144-1)*.

16 4. In the second paragraph of its order, the Supreme Court stated that the order "is
 17 without prejudice to any challenge to Secretary Noem's February 3, 2025 vacatur notice insofar as it
 18 purports to invalidate EADs, Forms I-797, Notices of Action, and Forms I-94 issued with October 2,
 19 2026 expiration dates. *See 8 U. S. C. §1254a(d)(3).*" *Id.* Accordingly, Plaintiffs are moving to
 20 preserve the status and rights under 5 U.S.C. section 705 of the particular individuals identified in
 21 the Supreme Court's order with "EADs, Forms I-797, Notices of Action, and Forms I-94 issued with
 22 October 2, 2026 expiration dates." *See Mot. to Preserve (Dkt. 144).*

23 5. I met and conferred with Defendants' counsel regarding Plaintiffs' planned Motion to
 24 Preserve on May 21, 2025. Defendants' counsel stated that DHS is reviewing the Supreme Court's
 25 order and has no position to provide at this time.

26 6. At the meet-and-confer, Defendants' counsel stated that Defendants would agree to
 27 Plaintiffs' proposal that Defendants file their opposition to the Motion to Preserve on Wednesday,
 28 May 28, 2025 by 9:00 am PST. However, Defendants' counsel stated Defendants would not agree to

1 Plaintiffs' request that the Motion to Preserve be heard at the previously-scheduled hearing in this
2 matter on May 29, 2025, at 1:30 pm PST.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

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6 Executed on May 21, 2025, in San Francisco, California.

7 *Emilou MacLean*
8 Emilou MacLean

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